

Appl. No. 09/109,343
Amdt. dated January 23, 2004
Reply to Office Action of September 24, 2003

REMARKS

This Amendment is in response to the Final Office Action mailed September 24, 2003. Applicant has filed a Request for Continued Examination to have the Office withdraw the finality of the Office Action, to have the amendments to the specification and the drawings filed December 9, 2003 and this submission entered and considered. In the Office Action, the Examiner rejected claims 1-3, 5, 7-11, 14, 16, 19, 21, and 23-32 under 35 U.S.C. § 103. Applicant has not amended any claims in this Response. Claims 1-3, 5, 7-11, 14, 16, 19, 21, and 23-32 remain pending in the application. Reconsideration in light of the remarks made herein is respectfully requested.

Rejection Under 35 U.S.C. § 103

The following is a quotation of MPEP § 2143 which sets forth the basic requirements of a prima facie case of obviousness:

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

2. The Examiner rejects claims 1-3, 5, 7-11, 14, 16, 19, 21, and 23-32 under 35 U.S.C. § 103(a) as being unpatentable over Aggarwal et al. (US 6,330,614) in view of applicant's admitted prior art (AAPA) figure 2.

Re claims 1, 26, 27, the Examiner admits that Aggarwal fails to explicitly teach that the label includes a VPN-ID associated with the table for routing. The Examiner asserts that applicant's admitted prior art (AAPA) teaches a router with a table associated with VPN ID. Applicant assumes that the Examiner is referring to the prior art routing system illustrated by Figure 2 and discussed on page 3, lines 7-16, of the specification.

The Examiner argues that there would be motivation in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings because a plurality of VPNs may cause overlapping addresses, each VPN ID is inherently associated with some address space, and incorporating the VPN ID into the label of the MPLS operations distinguishes the VPN clients to alleviate overlapping addresses. Applicant respectfully submits that what the Examiner has described as knowledge generally available to one of ordinary skill in the art is the same as what applicant teaches as known and further described by *Heinanen et al.* Specification page 2, line 15, through page 3, line 16. To the extent that the Examiner's proposed combination is what is taught by *Heinanen* there would be a reasonable expectation of success.

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However, applicant respectfully submits that the Examiner's proposed combination does not teach or suggest all the claim limitations.

Claim 1 recites a router that comprises "a first table associated with the VPN, from among one or more separate tables, each table associated with a different VPN." Claim 26 recites a method that comprises "identifying a routing table associated with the VPN from among multiple separate routing tables associated with different VPNs." These claims recite a table that is associated with a single VPN and the use of multiple separate routing tables to handle multiple VPNs. This is not "a VPN-ID associated with the table for routing" of the Examiner's proposed combination. In great contrast, what is recited by the claims is "a table associated with the VPN-ID for routing."

Figure 2 of applicant's specification shows a prior art solution that "provide[s] a flat address routing space by simply combining the VPN-ID with the reachability information provided by the sites." Page 3, lines 14-16. The prior art route table 206 shown in figure 2 includes a plurality of VPN-IDs thus AAPA does not teach or suggest "a first table associated with the VPN, from among one or more separate tables, each table associated with a different VPN" as claimed. AAPA does not teach or suggest using more than one table nor does it teach or suggest that tables are uniquely associated with different VPNs.

Further, Aggarwal teaches away from the claimed invention. Aggarwal discloses an invention that "enables elimination of the need for MPLS." Col. 5, line 25. The claimed invention is "for routing a packet ... having a label ... according to the Multiprotocol Label Switching (MPLS) standard." One of ordinary skill in the art would not be motivated to apply the teachings of Aggarwal to routing a packet labeled according to MPLS when Aggarwal teaches eliminating the need for MPLS.

Applicant respectfully submits that the combination of Aggarwal and AAPA fails to teach each and every element of the invention of claims 1 and 26, and that there would be no motivation to combine the disclosure of Aggarwal to provide an apparatus or method for routing packets labeled according to MPLS because Aggarwal discloses an invention that eliminates the need for MPLS.

Applicant relies on the patentability of the claims from which claim 27 depends to traverse the rejection without prejudice to any further basis for patentability of this claim based on the additional limitations recited.

Re claims 2, 3, 9, 10, 23-25, 27-32, applicant relies on the patentability of the claims from which these claims depend to traverse the rejection without prejudice to any further basis for patentability of these claims based on the additional limitations recited.

Re claim 5, applicant relies on the patentability of the claims from which this claim depends to traverse the rejection without prejudice to any further basis for patentability of this claim based on the additional limitations recited.

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Re claims 7, 14, and 19, applicant relies on the patentability of the claims from which these claims depend to traverse the rejection without prejudice to any further basis for patentability of these claims based on the additional limitations recited.

Re claims 8 and 16, as discussed above for claims 1 and 26, applicant respectfully submits that the combination of Aggarwal and AAPA fails to teach each and every element of the invention of claims 8 and 16, and that there would be no motivation to combine the disclosure of Aggarwal to provide a method for routing packets labeled according to MPLS because Aggarwal discloses an invention that eliminates the need for MPLS.

Re claim 21, as discussed above for claims 1 and 26, applicant respectfully submits that the combination of Aggarwal and AAPA fails to teach each and every element of the invention of claim 21, and that there would be no motivation to combine the disclosure of Aggarwal to provide a method for routing packets labeled according to MPLS because Aggarwal discloses an invention that eliminates the need for MPLS.

Applicant respectfully requests that the Examiner withdraw the rejection of claims 1-3, 5, 7-11, 14, 16, 19, 21, and 23-32 under 35 U.S.C. § 103(a) as being unpatentable over Aggarwal in view of AAPA.

Conclusion

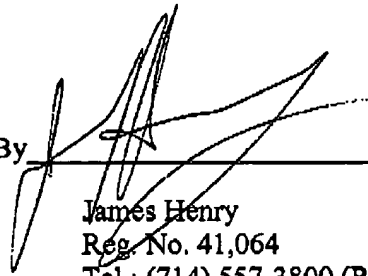
Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: January 23, 2004

By


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